



Entered on Docket  
September 27, 2011

**Hon. Linda B. Riegle  
United States Bankruptcy Judge**

LEWIS AND ROCA LLP  
Robert M. Charles, Jr. (NV 6593)  
John Hinderaker (AZ 018024)  
Marvin Ruth (NV 10979)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)  
[mruth@lrlaw.com](mailto:mruth@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

Case No. BK-S-06-10725-LBR  
Chapter 11

# USA COMMERCIAL MORTGAGE COMPANY,

Debtor.

**Order Sustaining Fourth Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based In Part Upon Investment In  
The Brookmere Matteson Loan**

Hearing Date: August 30, 2011  
Hearing Time: 10:30 a.m.

The Court having considered the “Fourth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Brookmere Matteson Loan,” (“Brookmere Matteson Loan”) [DE 8657] (the “Objection”); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that

1 the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right  
2 to repayment by the borrower or from the collateral securing the Brookmere Matteson  
3 Loan; and good cause appearing:

4 **IT IS ORDERED** that:

5 1. The Objection [DE 8657] is sustained; and  
6 2. The claims listed on **Exhibit A** attached are disallowed to the extent those  
7 claims are based upon an investment in the Brookmere Matteson Loan.

8  
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.  
13 John Hinderaker (*pro hac vice*)  
14 3993 Howard Hughes Parkway, Ste. 600  
15 Las Vegas, Nevada 89169-5996  
16 Telephone: (702) 949-8320  
Facsimile: (702) 949-8321

17 *Attorneys for USACM Liquidating Trust*

## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

|   |   |
|---|---|
| U.S. Trustee: _____   |   |
| <input type="checkbox"/> approved the form of this order                        | <input type="checkbox"/> disapproved the form of this order |
| <input checked="" type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document  |
| Other Party: _____  |   |
| <input type="checkbox"/> approved the form of this order                        | <input type="checkbox"/> disapproved the form of this order |
| <input type="checkbox"/> waived the right to review the order and/or            | <input type="checkbox"/> failed to respond to the document  |

Submitted by:

LEWIS AND ROCA LLP

By: /s/ *John Hinderaker*. (AZ #018024)

## Attorneys for USACM Liquidating Trust

# # #

Brookmere/Matteson  
Multiple Loan Claims

| Claim       | Date Claim was Filed | Name  | Address   | Total Claim Amount | Approximate Amount Subject to Objection Because it Relates to an Investment In the Brookmere/Matteson \$27,050,000 Loan |
|-------------|----------------------|---|---|--------------------|---|
| 10725-01408 | 12/4/2006            | Alexander Ind & As Trustees, Stanley & Florence   | P.O. Box 95144<br>Longwood, FL 32779  | 400,000.00         | 37,500.00   |
| 10725-01177 | 11/10/2006           | Arthur E & Thelma Kebble Family Trust Dtd 5/19/95 | C/O Arthur E & Thelma M Kebble Tees<br>9512 Salem Hills Ct<br>Las Vegas, NV 89134-7883        | 327,563.97         | 6,639.45  |
| 10725-01445 | 11/14/2006           | Brehmer, Hannah                                   | 188 Beacon Hill Dr<br>Ashland, OR 97520   | 298,569.00         | 8,569.36  |
| 10725-02017 | 1/12/2007            | Canepa Ira, Louis J                               | C/O Laurel E Davis Lionel Sawyer & Collins<br>300 South Fourth St STE 1<br>Las Vegas NV 89101 | Unknown            | Unknown   |
| 10725-01407 | 11/13/2006           | Cardwell Charitable Trust                         | C/O Michael J Dawson Esq<br>515 South Third St<br>Las Vegas, NV 89101                         | 1,549,493.61       | 24,483.61   |
| 10725-01401 | 11/13/2006           | Cardwell Family Trust                             | C/O Michael J Dawson Esq<br>515 South Third St<br>Las Vegas, NV 89101                         | 3,226,795.82       | 150,000.00  |
| 10725-01218 | 11/10/2006           | Cohen Living Trust Dtd 3/6/90                     | c/o Nelson Cohen, Esq.<br>7670 W. Lakemead Boulevard<br>Suite 225<br>Las Vegas, NV 89128      | 404,317.00         | 49,317.00   |
| 10725-02038 | 1/11/2007            | Collins Family Trust Dated 1/29/93                | C/O Shirley M Collins Trustee<br>1975 Snowberry Ct<br>Carlsbad, CA 92009-8408                 | 1,760,380.48       | 8,569.26  |
| 10725-02030 | 1/11/2007            | Daniel D Newman Trust Dtd 11/1/92                 | C/O Daniel D Newman Trustee<br>125 Elysian Dr<br>Sedona, AZ 86336                             | 1,428,037.34       | 15,914.35   |
| 10725-02045 | 1/11/2007            | Dar Living Trust Dtd 2/12/03                      | Darlene Hammond Tee<br>308 La Rue Ct<br>Las Vegas, NV 89145                                   | 329,377.00         | 12,241.81   |

EXHIBIT A